

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 257 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE A.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

NAYAB SUBEDAR RAVICHANDRA ARJUNA RAJU

Versus

STATE OF GUJARAT

Appearance:

MR BM GUPTA for Petitioner

PUBLIC PROSECUTOR for Respondent No. 1

CORAM : MR.JUSTICE A.K.TRIVEDI

Date of decision: 16/04/98

ORAL JUDGEMENT

1. Heard Ld.Advocate Mr.B.M.Gupta for petitioner.
Rule. Ld.APP-Ms B.R.Gajjar appears and waives service of rule on behalf of respondent-State.

2. The petitioner has challenged the legality and propriety of the order passed by the Ld.JMFC, Ahmedabad (Rural) Court No.3, dated 18.3.98 passed below

application-Exh.3 whereby the petitioner has claimed supply of certain copies of documents from the custody of investigation officer.

3. Vide the impugned order, the Ld.JMFC has directed the investigation officer to supply the copies of documents accompanied with the chargesheet and not supplied to the accused immediately. The Ld.JMFC has partly allowed the application and has not passed any order in respect to documents claimed by the petitioner vide para 2 which are documents in respect to enquiry held by the GOC, Ahmedabad Military Camp against the present accused.

4. The Ld.advocate appearing for the petitioner has contended that apart from the documents produced with the chargesheet the investigation officer is in possession of certain documents particularly dying declaration of the deceased Maheshwari and not supplied to the accused. It is also contended that the document in the form of affidavit obtained by the investigation officer from the original complainant and the letter accompanied therein is also not supplied, and thereby the present revision is required to be filed.

5. Mr.Gupta did not dispute the proposition of law that the accused is entitled to the copies of documents accompanied with the chargesheet and produced by the investigation officer in the court. That those documents on which defendant wants to rely, if they are in custody of some third party or the authority, they are to be called by claiming summons. In the instant case if some documents are in possession of the investigation officer the petitioner is permitted to move proper application for production from investigation officer. The documents claimed from the custody of the GOC, Ahmedabad Military Camp may also be claimed through summons.

6. In view of the above stated discussion, present application stands disposed of. Rule is made absolute accordingly. No costs.

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